

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-003924

12/08/2003

HON. FRANK T. GALATI

CLERK OF THE COURT
C. Danos
Deputy

FILED: 12/10/2003

RENAISSANCE AIRCRAFT L L C

E JEFFREY WALSH

v.

P DOUGLAS COMBS, et al.

P DOUGLAS COMBS
LAURIE A EDER
15815 E MELROSE ST
GILBERT AZ 85296

REX A CHRISTENSEN
JOHN DEARDEN
LINDA DEARDEN
938 SHADY LANE
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RULING

SUPERIOR COURT OF ARIZONA
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Several motions have been filed and are decided below.

IT IS ORDERED overruling defendant Combs' and defendant Eder's objection to proposed settlement agreement between plaintiff, Robert P. Ollerton, and debtor Luscombe Foundation.

IT IS ORDERED approving settlement agreement between plaintiff and defendant Robert P. Ollerton.

IT IS ORDERED granting plaintiff's motion for partial summary judgment on count 2 of the complaint and denying defendant Combs' notice of opposition and motion for a Rule 56(f) continuance. Defendant Combs' response fails to establish the existence of material fact disputes and, in seeking a continuance in order to obtain evidence that might create such a factual dispute, fails to comply with Rule 56(f). As such, there is no basis upon which to deny plaintiff the relief it seeks here.

IT IS ORDERED denying defendants Combs' and Eder's motion to strike paragraphs 43 and 44 of the complaint.